

REMARKS

This Response and Amendment, filed in response to the Office Action mailed January 30, 2008, fully address each of the issues raised in the Office Action. Favorable reconsideration is respectfully requested.

Claims 1-15 are all the claims pending in the application. Claims 11-14 are withdrawn from consideration as being drawn to non-elected invention. In the accompanying amendment, claims 1, 4, 10 and 15 are amended in order to more clearly set forth the claimed invention. For example, claims 1 and 15 are amended to amend “methanesulfonyl” and “p-toluenesulfonyl” to “methanesulfonyloxy” and “p-toluenesulfonyloxy,” respectively, bring them to be consistent with those shown the Reaction Scheme 2 and Examples 12 and 13 of the specification. Claim 4 is amended to clarify the species of formula (3) to read “(S)-(+)-2-(2-chlorophenyl)glycine. Claim 10 is amended to correct the dependency from claim 1 to claim 6.

No new matter has been introduced and entry of the amendment is respectfully requested.

Applicants thank the Examiner to acknowledge the Applicants’ claim for foreign priority and the receipt of the all of the certified copies of the priority document.

Applicants also thank the Examiner to initializing and returning the PTO/SB/08 form.

Claim Rejections - 35 U.S.C. § 112, second paragraph

In the Office Action, paragraphs 7-9, Claims 1-10 and 15 are rejected under 35 U.S.C. § 112, second paragraph. In particular, it is pointed out that in Claims 1 and 15, the functional

groups X' and Y', which recite "methanesulfonyl" and "ptoluenesulfonyl," respectively, are inconsistent with those disclosed in the process for the preparation of a compound of formula (2e) (Specification, page 5, Reaction Scheme 2, and page 18, Examples 12 and 13). The Office suggests the definitions of the X and Y substituents be "methanesulfonyloxy" and "p-toluenesulfonyloxy," respectively.

In response, claims 1 and 15 and the specification are amended to bring the definitions of the X and Y substituents to be consistent with those described in Reaction Scheme 2 and Examples 12-13, by amending "methanesulfonyl" and "p-toluenesulfonyl" to "methanesulfonyloxy" and "p-toluenesulfonyloxy," respectively.

In the Office Action, paragraph 10, claim 10 is further rejected as lacking antecedent basis for the limitation of the solvent.

In response, claim 10 is amended to be dependent from claim 6, which recite a solvent.

Accordingly, it is believed that the rejections of the claims and amendment are rendered moot by the amendment, and their withdrawal is respectfully requested.

Claim Objections

In the Office Action, paragraph 11, claim 4 is objected to an incorrect nomenclature of the formula (3).

In response, claim 4 is amended to read "(S)-(+)-2-(2-chlorophenyl)glycine," as proposed by the Office.

Therefore, it is believed that the objection is not sustainable and its withdrawal is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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